

lfu



Docket No.: IRD-0006
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroshi Rikimaru

Application No.: 10/538,480

Confirmation No.: 1842

Filed: June 25, 2007

Art Unit: 2626

For: DIAGNOSTIC DEVICE AND DIAGNOSTIC
METHOD

Examiner: SKED, MATTHEW J

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 or PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO-1449 or PTO/SB/08 be returned in accordance with MPEP §609.

☒ A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§1.97 and 1.98

☐ excluding a copy of U.S. patent or U.S. patent application publication as waived by the U.S. Patent and Trademark Office, since this application was filed after June 30, 2003 or has entered the national stage under 35 U.S.C. § 371 after June 30, 2003 (1276 OG 55).

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

Concise Explanation of Relevancy of the Document

(Fill out if no English translation, partial translation or English abstract is available)

- ☒ Any document having neither English translation nor English abstract has been cited in a communication from a foreign patent office in a counterpart foreign application or its related application, a copy of which is attached hereto, accompanied by English translation of at least relevant part, if it is not in English. English translation of the document is not readily available; however, the absence of such translations does not relieve the PTO from its duty to consider the submitted document (37 C.F.R. §1.98 and MPEP §609).
- ☒ 1. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311 or an action that otherwise closes prosecution in the application. **No fee** is required in view of the statement below (37 C.F.R. §1.97(c)).
- ☒ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

If, however, a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311 or an action that otherwise closes prosecution in the application has been mailed prior to filing of this Information Disclosure Statement (37 C.F.R. §1.97(d)). The Patent Office is authorized to charge \$180.00 under 37 CFR §§ 1.97(d)(2) and 1.17(p) in view of the statement above under 37 CFR §1.97(e).

- ☒ 2. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 18-0013, as needed, to ensure consideration of the disclosed information.

Respectfully submitted,

Date: October 12, 2007

By: 
Tomoko Nakamura
Registration No. L0231

Rader, Fishman & Grauer PLLC
1233 20th Street, N.W.,
Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751